

Amendments to the Drawings

An appendix is attached in which the marked up version of the informal drawings shows the elimination of the reference number '10.' In addition, a copy of the formal drawings showing this amendment is provided. A new set of formal drawings will be submitted to the Official Draftsman.

Remarks

Claims 1-20 are pending in the application.

Claims 6 and 17 were objected to because of informalities. The typographic errors referred to in the office action have been fixed by the amendments to the specification above. Withdrawal of this objection is requested.

The drawings were objected to. An appendix showing the proposed drawing amendment is attached. Formal drawings will be submitted to the Official Draftsman under separate cover.

Claim 14 was rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. This has been corrected by the amendment to the claim above. Withdrawal of this rejection is requested.

Claims 11-20 were rejected under 35 USC 102(b) as being anticipated by Vaziri et al. (WO 98/37665).

Vaziri teaches a box (ITBS) that is connected to a phone that allows both parties participating in a phone call to agree to switch to a data network call, such as a VoIP call. When the users agree, the users press a button on the ITBS to terminate the PSTN call and move to a data network call.

With regard to claim 11, Vaziri does not teach "a processor to *generate* and transmit a rejection signal." The rejection signal in Vaziri is not generated by the processor, it is generated by a user pressing a button. A difference between Vaziri and the invention as claimed in claim 11 is that the processor generates the rejection signal.

Further, as stated in the office action, the rejection signal is sent in the instantly claimed invention prior to alerting the user. As Vaziri requires the users to agree to a data network call, both users are obviously alerted to the call. In claims that already included this limitation, the office action relies upon Hon, which will be addressed below.

Similarly, claims 14 and 17 have been amended such that the processes caused by the execution of the software code, including detection or transmission of a rejection signal are performed by the phones, not the users.

Further, in Vaziri, that step 604 of Figure 6 is performed by each user of the process, as indicated by steps 508 and 510 in Figure 5. Therefore, there is no rejection signal sent from one phone to the other, as they are both mutually hanging up the original call. Therefore, the signals sent in 508 and 510 in Figure 5 are not rejection signals, where a call from one party is being rejected by the other party.

With regard to claim 20, the limitation of 'prior to alerting a user' has been added to this claim. As discussed in the office action, Vaziri does not teach this limitation. Nor, as discussed above, does Vaziri teach generating a rejection signal that is transmitted from one phone to the other phone, as both phones hang up the original PSTN call.

It is therefore submitted that claims 11, 14, 17 and 20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 12-13 depend from claim 11, claims 15-16 depend from claim 14, and claims 18-19 depend from claim 17. These claims inherently contain all of the limitations of their respective base claim. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. Allowance of these claims is requested.

Claims 1-10 are rejected under 35 USC 103(a) as being unpatentable over Vaziri et al. in view of Hon (US Patent No. 6,763,020).

As discussed in the office action, Vaziri does not teach transmitting a rejection signal prior to alerting the user. Hon does not teach this either, and in fact teaches transmitting a call acceptance signal.

As discussed above, Vaziri does not teach transmitting a rejection signal. Both parties to the PSTN call hang up the line (see steps 508 and 510 of Figure 5, discussed on page 24). The rejection signal is not sent from one party to the other, but from one party to the PSTN, much like when one party hangs up and the other stays on the line. The PSTN then terminates the other party, not the first person who hung up.

Further, Vaziri does not teach transmitting a rejection signal prior to alerting the user, as indicated in the office action. Hon does not teach this either. As disclosed in Hon, in column 5, lines 23-40, the calling party presses a key to indicate that a VoIP call is being made; the phone number of the remote device is called; the remote device masks the ringing to avoid alerting the user; a *ring back tone* is transmitted to the calling phone; the caller hears the ring back tone and then presses another key to drop the PSTN line.

A ring back tone is what a calling party hears when calling another party. In Hon, then, the process disclosed is to call another party, wait until the line rings and then hang up. There is not rejection signal sent. A ring back tone is actually an indication that the call has been received and accepted. The rejection signal is sent from the calling party to the called phone, and only after the call has been accepted.

Therefore, neither reference, nor the combination thereof, teaches a rejection signal, much less a rejection signal that is generated and transmitted by the phones as claimed in claims 1 and 6. Both Vaziri and Hon teach a signal that is generated by the users.

It is therefore submitted that claims 1 and 6 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2-5 and 7-10 depend from claim 1 and 6 and inherently contain all of the limitations of their respective base claim. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. Allowance of these claims is requested.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to applicant's disclosure.

Conclusion

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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Figure 1

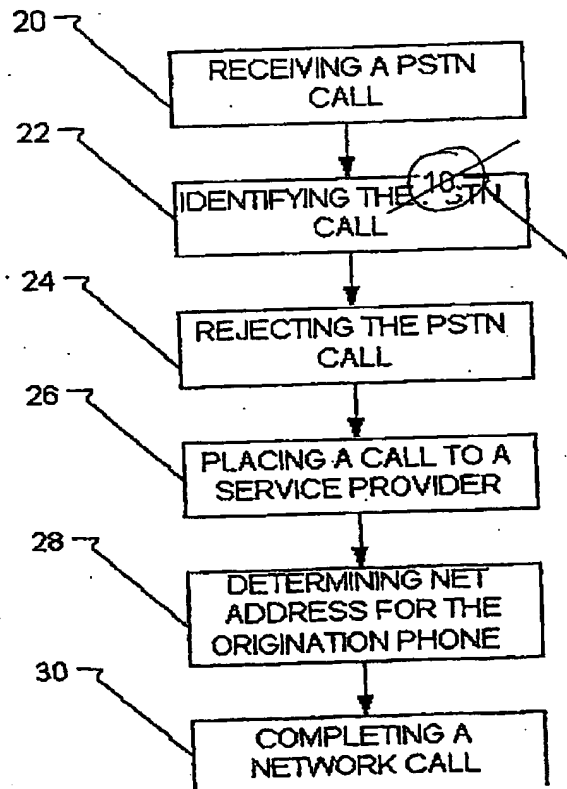
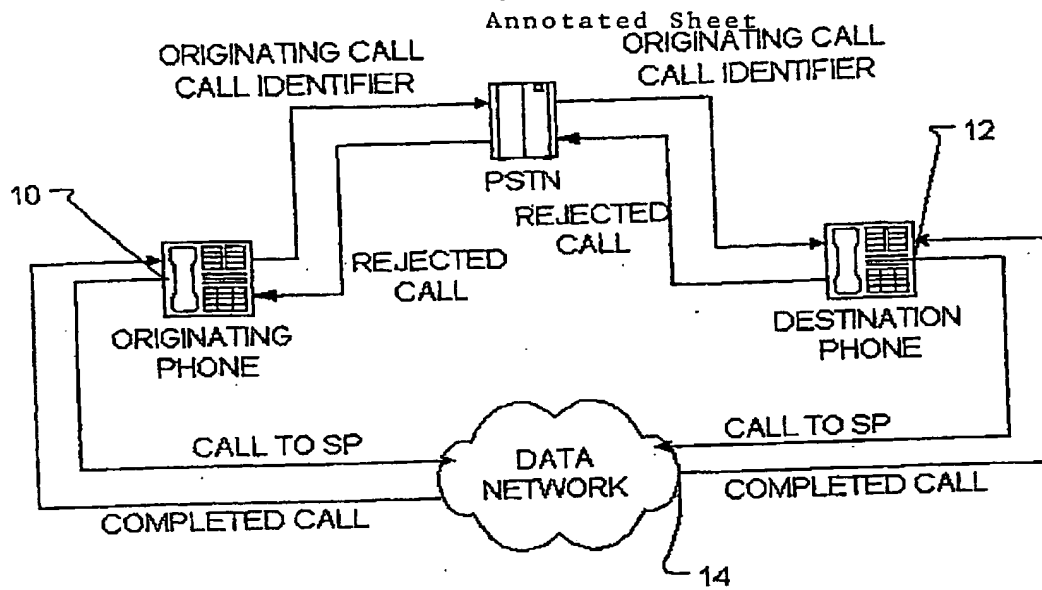


Figure 2